THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.21052 of 2006

ORAL ORDER:

This writ petition is filed seeking Mandamus declaring the action of the respondents in not initiating any steps to conduct and conclude the enquiry initiated against the petitioner under Section 6-A of the Essential Commodities Act, 1955 and in not passing appropriate orders as arbitrary and illegal.

This Court, while admitting the writ petition on 11.10.2006, granted interim direction to the respondents to supply essential commodities to the fair price shop of the petitioner provided the authorization granted in favour of petitioner is still subsisting as on that date (11.10.2006).

It is the case of the petitioner that she has been appointed as a fair price shop dealer in November 2001 for D.R. Depot, Jhansi Dwcra Group, Thotaluru village, Ravanapalli Panchayat, Koyyuru mandal, Visakhapatnam district and since then she has been discharging her duties sincerely. While so, a show cause notice under Section 6-B of the Essential Commodities Act, 1955 (for short 'the act') was issued to the petitioner on 17.1.2006. The first respondent conducted a discreet enquiry behind the back of the petitioner and submitted a report alleging that petitioner failed to explain the shortage of 37.60 quintals of rice under various schemes and excess of 108 kgs. of Sugar. On the basis of the said report, proceedings under Section 6-A of the Act were initiated against the petitioner. However, during the pendency of proceedings under Section 6-A, the respondents without canceling or suspending the authorization of the petitioner, denied supply of essential commodities to her. Hence the writ petition.

A detailed counter affidavit has been filed by the first respondent stating that the petitioner was never appointed as fair price shop dealer of D.R. Depot Thotaluru at Ravanapali. The authorization in respect of the said Depot was issued in favour of fourth respondent society bearing No.62/2003-4 by the Sub-Collector, Paderu. On receipt of complaints from the public attached to the D.R. Depot, Thotaluru, the UDRI, Koyyuru has caused enquiry and filed a case under Section 6-A of the Act against the Depot Incharge before the second respondent. The Project Officer, Integrated Tribal Development Agency, Paderu authorized the fourth respondent society to run the D.R. Depot at Thotaluru for a period of one year from October, 2001 and was allowed subsequently. Accordingly, an agreement was made between the fourth respondent society and the petitioner. According to the agreement, petitioner is only a sales woman and was made incharge of the fair price shop and she was remitting the sale proceeds to the society. She was engaged only to distribute essential commodities on behalf of society. No individuals were appointed as fair price shop dealers in agency area and only D.R. Depots are functioning in the agency area for distribution of essential commodities to the tribals. The initiation of proceedings under section 6-A of the Act are nothing to do with the authorization held by the society.

From the above, it is seen that the petitioner is not an authorized fair price shop dealer. She was only a sales woman of the society made incharge of the said shop. No such authorization has been produced before this Court. However, she assumed to be a fair price shop dealer and filed this writ petition as if authorization was granted in her favour. The respondents also asserted that no such authroisation was granted in her favour and in fact authorization was given to the fourth respondent society.

In view of the above, the writ petition is devoid of merits and liable to be dismissed. The interim order granted on 11.10.2006 stands vacated. However, the respondents are directed to complete the proceedings under Section 6-A of the Act against the petitioner forthwith.

Subject to the above, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU,
J

Date: 1.12.2006

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W.P.No.21052 of 2006

1.12.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.21052 of 2006

Date: 1st December, 2006

Between:

Smt.Henna W/o Laxminarayana

.. Petitioner

And

The Mandal Revenue Officer,
Koyyuru, Visakhapatnam district & 3 others.

.. Respondents